Testimony of Michael Kurtz

New Orleans, Louisiana -- June 28, 1995

CHAIRMAN TUNHEIM: Our next witness this morning is Dr. Michael L. Kurtz, Professor of History at Southeastern Louisiana and author of a 1982 book on the assassination of President Kennedy that's entitled, "Crime of the Century." Dr. Kurtz, welcome and thank you for joining us.

DR. KURTZ: Thank you, Mr. Chairman. By way of introduction, let me give the Board a very brief background on my qualifications for testifying before the Board today.

I'm one of the very few academicians who has researched and written about the assassination of President Kennedy. In addition to my book, "Crime of the Century," published by the University of Tennessee Press, I have published two scholarly articles on the assassination in the journals "The Historian" and "Louisiana History." I presented papers on the assassination at meetings of such professional organizations as Phi Alpha Theta, the Southern Historical Association and the Louisiana Historical Association.

Now I've given lectures and appeared on panels at places as diverse as Tulane University, Georgia Southern University, Harris County Community College in Texas, and so forth.

My purpose in appearing before the Board today is to provide you with suggestions about the acquisition of records as defined by the Act itself. So I will turn to that topic immediately.

First, one passage in a recent book about President Kennedy's foreign policy relationships with Soviet Premier Nikita Khrushchev, "The Crisis Years," by Michael Beschloss, struck me as very odd, and I'd like to quote the passage from page 682 of that book.

"Richard Helms, who at the time was Deputy Director of Plans for the CIA" -- this is in early 1964 I might add, the context -- "found Johnson distracted well in 1964 by his worry that Kennedy had been assassinated by conspiracy. As Helms recalled, the Agency was" -- and here Beschloss is quoting Richard Helms -- ""very helpful to Johnson on this" and met the new president's request for an independent CIA study. Motion pictures of the Dallas motorcade and autopsy photographs were sent to the agency."

In his footnotes, or I should say endnotes, Mr. Beschloss cites a personal interview with Richard Helms as the source of this statement. I urge the Board to pursue this matter, if, in fact, the CIA did conduct its own investigation of the assassination simultaneously with that of the Warren Commission, all records pertaining to that investigation should, of course, be included in the JFK Records Collection in the National Archives.

As far as I know, nothing pertaining to that special CIA investigation that Helms mentioned to Beschloss has ever been made public. Certainly nothing in the existing assassination documentation refers to the CIA's having received access to autopsy photographs. I recommend that the Board exercise its legal authority under the Act and, if necessary, subpoena Mr. Helms and interview Mr. Beschloss about this subject and require the CIA to release unedited any and all of its records concerning this 1964 investigation.

Secondly, I urge the Board to conduct a survey of the documentary record if, indeed, any exists to ascertain precisely when and how the Kennedy family came into legal possession of the autopsy photographs and X-rays and other related materials. I myself have received run-arounds and evasions from the National Archives, the Secret Service and the Kennedy Library about this matter. The family's legal control over these materials has been upheld in Federal court, but at no time has any documentation ever been produced to determine the origins of the family's legal control.

I know of no case anywhere in the United States where the family of a deceased has legal control over the autopsy records of that individual. For example, the Kennedy family does not have legal control over the autopsy records of Senator Robert Kennedy. The State of California quite properly has control over those records. How did the Kennedy family come to have legal possession of those records is a fundamental question for which some trail of evidence under the broad definition of record should exist.

And I urge the Board to, in addition to interviewing Burke Marshall, who, of course, is the Kennedy family's legal

representative on this particular matter, the deed to the National Archives in 1966, and conduct a systematic review of all records of the Secret Service, especially that agency's Protective Research Service or Division, which assumed original custody of the materials the night of the autopsy. Additionally, the Board should review all records of the Bethesda Naval Hospital about this matter.

Furthermore, along the same general lines, I urge the Board to conduct an intensive investigation into records dealing with the certain actions taken by the Secret Service in 1963. I have communicated with the Secret Service, the Kennedy Library, National Archives about this matter and all of them say no such documentation or records exist. Surely some records exist.

Why did the Secret Service remove President Kennedy's body from Dallas and transport it to Washington? What Federal statute gives the Secret Service jurisdiction over a presidential corpse? As far as I know, there is none in existence. Why were three Secret Service agents present at the autopsy at Bethesda Naval Hospital? I don't know. No documentation has ever been produced to document that.

Why did Roy Kellerman take possession of the autopsy photographs, the unprocessed negatives and the X-rays at the time of the autopsy? What legal authority did Kellerman have to possess these materials and then turn them over to Robert I. Bouck, the head of the Protective Research Service of the Secret Service, when at that time Lee Harvey Oswald was still alive and these autopsy records were properly legal documents that should have been under the jurisdiction of Dallas District Attorney Henry Wade, not the Secret Service of the United States?

Why did Secret Service Agent James Fox make a private set of autopsy photographs for himself? What legal possession did he have over those autopsy photographs and what legal authority did Fox have to sell these so-called Couch set of photographs to David Lifton in 1988 and authorize Lifton to reproduce them?

Why did Robert Bouck turn over the autopsy materials to Robert Kennedy in 1965, that is through the Evelyn Lincoln and Angela Novello chain that the House Committee tried to track down? But what legal authority did Robert Bouck have? What legal authority did Robert Kennedy have over Robert Bouck? As far as I know, there was none. Robert Bouck answered to the head of the Secret Service, who answered to the President of the United States, not to a senator from Massachusetts.

These are records that I think the Board should certainly try to investigate and not simply accept the word of an agency of the United States that no such records exist. Surely some trail of evidence exists about these questions.

As Steve Tyler was talking -- and, by golly, I wish I had gone before him instead of after him -- he did such a good job of his presentation. I disagree in the sense that I think that the Board should attempt to obtain all outtakes of all television documentaries produced about the Kennedy assassination from the time it occurred until the present.

For example, in 1967 CBS did a four-hour long special hosted by Walter Cronkite. We know for a fact that hundreds of hours of film was made, four hours aired minus the commercials. I'd like to see the Board obtain these original records, the outtakes of these documentaries, because I think that they could contain very valuable information.

For example, CBS conducted a firing test of the Mannlicher-Carcano and showed only a brief flash on the screen. The complete outtakes could certainly provide some additional information about that ballistics evidence.

And numerous other pieces of evidence should also be obtained from these, the outtakes of these documentaries.

Now in another matter, although conspiracy theories about the Kennedy assassination abound, many of them ludicrous and ridiculous, one that remains a plausible one, supported by a substantial amount of evidence, is the so-called Cuban connection to the assassination. Lyndon Jonhson's well often-quoted statement to two sources, Howard K. Smith and Joseph Califano, that "Kennedy was trying to get Castro but Castro got him first." The possibility of Cuban government complicity in the assassination certainly cannot be ruled out.

I implore the Board to demand the immediate release of all records of the CIA, FBI, Defense Department, National Security Agency, State Department and any other agency of the United States Government under its jurisdiction under the Act pertaining to U.S.-Cuban relations during the period 1959 to 1963, especially any and all records concerning the assassination plots against the life of Fidel Castro.

In addition, I would like -- although Mr. Tilley mentioned that the Lyndon Johnson Library has been very cooperative in this matter, it's quite clear from what he did not say that the John F. Kennedy Library has not been cooperative at all, that the Board should request, even though the Act does not give the Board this authority since this falls under the private deed

exemption to the Act -- I believe I'm correct in saying that -- that the Board should at least publicly implore the John F. Kennedy Library to allow its staff members to listen to all White House tapes made during the Kennedy Administration and especially conversations between John Kennedy and Robert Kennedy and any other individuals concerned with U.S.-Cuban relations during that period.

The same, by the way, could be true -- I'm not aware of the existence of such -- of any tapes from the Eisenhower presidency since these activities, of course, originated in 1960 under Eisenhower's Administration.

One record, one potential record comes from a rather surprising source, H.R. Haldeman. In his memoirs, "The Ends of Power," Haldeman actually refers to the Kennedy assassination as the underlying topic of the infamous smoking gun Watergate tape of June 23, 1972, in which Haldeman and Nixon discuss the payment of money to certain Cuban associates of E. Howard Hunt, which was the primary subject of that conversation, although not the specific reason that Nixon got himself into very deep trouble and resigned a few days later, money that originally came from some of Nixon's campaign contributors.

I recommend that the Board research Mr. Haldeman's papers, as well as those of the Nixon White House tapes to determine the source of Haldeman's rather surprising reference to the Kennedy assassination within the context of that smoking gun conversation.

As Mr. Tyler briefly mentioned the name of Guy Banister, certainly Guy Banister remains an enigmatic figure in this case for the relationship, if any, between Oswald and Banister during the spring and summer of 1963. As I have in my book and I'll repeat it here today, I myself saw Banister and Oswald together in New Orleans in the summer of 1963.

On the first occasion, Banister was debating President Kennedy's civil rights policies with a group of college students, including myself. Oswald was in the company of Banister. At the time -- this is the late spring of 1963 -- I was a senior at what at that time was the Louisiana State University in New Orleans, although today it's called the University of New Orleans.

Banister was not discussing anti-communism, for which he is most widely known, but rather racial integration, and Banister was certainly a rabid segregationist to say the least, virulently critical of President Kennedy's civil rights policies.

Now the possible racist connections of Lee Harvey Oswald to Guy Banister lead to another recommendation of the Board to peruse the FBI files on such topics as Leander H.J. Perez, Sr., the Citizens Council of Greater New Orleans and a title that, of course, only the FBI under J. Edgar Hoover could have developed, "Communist Infiltration of the NAACP." There is an actual FBI file with that title. References to Guy Banister may be found also in various papers from the DeLesseps Morrison Collection from Tulane University and from the New Orleans Public Library.

And speaking of Tulane University, I'd like also the Board to investigate whether any of the papers of Leon Hubert, who was a law professor at Tulane School of Law, are at the Tulane Library because Mr. Hubert was a junior counsel for the Warren Commission and that is a possible source of material. Congresswoman Boggs' testimony earlier made me think of that.

My time has expired. With no time limit, I could easily provide the Board with innumerable other potential sources of information concerning the availability of records pertaining to the assassination.

In conclusion, I would like to state for the record that the more than three decade long history of obfuscation and suppression of records about the assassination of President Kennedy needs to be ended as expeditiously as possible. In that light, I urge this Board to exercise its authority under the Act, to release all records pertaining to the assassination without exception, and to instruct the National Archives to make them available for immediate public inspection. Thank you.

CHAIRMAN TUNHEIM: Thank you, Dr. Kurtz. Appreciate your testimony today and your advice to us. And certainly additional advice that you have that you weren't able to pass along today, we'd certainly appreciate it in writing because we will follow up on your suggestions.

DR. KURTZ: Yes, for example, Mr. Samoluk of your staff has contacted me about reproducing the preliminary hearing transcripts of the Clay Shaw trial, which we have at our library at Southeastern Louisiana University. We're trying to figure out the logistics of doing that right now.

They don't lend themselves to Xeroxing, probably an optical scanner, but be assured that we will provide the Board with copies of all of those transcripts of those Clay Shaw preliminary hearings and a few other pieces of materials that our library has and I, myself, have in personal possession. We'll certainly share copies with the Board.

CHAIRMAN TUNHEIM: Excellent. Would you mind if we ask you a few questions, the members of the Board?

DR. KURTZ: Not at all.

MR. HALL: Mr. Kurtz, Dr. Kurtz, Professor Kurtz --

DR. KURTZ: Doesn't matter. Same person.

MR. HALL: Whatever works, right. You concentrated a good deal on Cuba and potential connection of Cuba to the assassination of the President. I wonder have you thought through or addressed the question in the relationship of Mexico to Cuba and where Mexico stood in the light of the New Orleans and Louisiana economy and political community in 1963?

DR. KURTZ: You're talking about the Mexican Government now in your question. Not much to be quite honest with you. At the time, I don't recall that Mexico itself had any major relationship with the United States other than what was common knowledge. I did not think of Mexico as a source of any kind of perhaps intelligence activities, although Mexico City, of course, was a beehive of different kinds of intelligence activities and Oswald's famous trip there in September of 1963 has generated a lot of controversy.

But I don't really see a great deal of connection there, directly or indirectly, except that Mexico was a conduit to which the U.S. could communicate with the Cuban government of course.

CHAIRMAN TUNHEIM: Any questions?

MS. NELSON: Are you, Professor Kurtz, are you aware of the recent release from the FBI of records -- an interview with someone who-- or a memo I believe it is -- with someone who saw Castro reenact the assassination, the assumption behind that being that he didn't have anything to do with it? Are you aware of that?

DR. KURTZ: Yes. Yes, I am. I'm also aware of Castro's denials of having participated in the assassination of President Kennedy and also of the fact that I think a fairly strong majority of the community of Kennedy assassination scholars who agree with me that there was a conspiracy in the assassination; do not agree that Castro was the mastermind behind it.

But I do, nevertheless, I do not take Castro's denials with a grain of salt -- I mean I take them with a grain of salt and I certainly do not take Castro's experiments with the rifle to see whether or not one man could fire the shots any more than I do CBS's experiments with a rifle --

MS. NELSON: So, basically, you think there are more references out there?

DR. KURTZ: Oh, yes. I think there's a great deal more that we can learn that even members of the Church Committee did not have access to concerning all of this business. I think there's a great deal more.

I mentioned, for example, the National Security Agency as a potential source of information. I don't know that there are records but, nevertheless, I think it's an avenue of investigation the Board should pursue.

CHAIRMAN TUNHEIM: Dr. Kurtz, are you aware of any records that the government of Cuba or in private hands on the island of Cuba that might be relevant to all of this that we should be seeking? Are you aware of anything there?

DR. KURTZ: I wouldn't be surprised that there are. But I am not aware of any at all, Mr. Tunheim,and frankly, I would think that the Board would waste its time communicating with Premier Castro about this matter. He's not going to cooperate any more fully than he did I think with the House Select Committee on Assassinations.

CHAIRMAN TUNHEIM: Could you just follow up on a point that you made in your testimony, Dr. Kurtz, about the Kennedy family's control of the autopsy materials. I'm just curious about why that is significant to you, I mean as part of this entire picture. Maybe you can explain that a little more to me.

DR. KURTZ: It's significant, Mr. Tunheim, because the Kennedy family has persistently refused to make these records available to serious, honest researchers and scholars. Not only historians and academicians, but also many people highly qualified in the areas of forensic pathology, such as Dr. John Nichols and Dr. Milton Helpern, were specifically turned down by the Kennedy family in their request to inspect the autopsy materials under the deed of gift in the National Archives.

I realize, of course, that today we have -- the copies have been so widely reproduced and so forth, but as you yourself have

exemption to the Act -- I believe I'm correct in saying that -- that the Board should at least publicly implore the John F. Kennedy Library to allow its staff members to listen to all White House tapes made during the Kennedy Administration and especially conversations between John Kennedy and Robert Kennedy and any other individuals concerned with U.S.-Cuban relations during that period.

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